IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL

Government Appeal No. 12 of 2006
(Old No. 2021 of 1994)

State of Uttar Pradesh ... Appellant

Vs

Ugrasain S/o Sri Mangal Sain & 3 others ... Opp. Parties

Sri Nandan Arya, learned A.G.A. for the State

Hon'ble B.C. Kandpal, J.

This application for granting the special leave to file in the appeal against the judgment and order dated 06.09.1994 passed by the Chief Judicial Magistrate, Haridwar in Criminal Case No. 429 of 1991 under Sections 147, 148, 307 I.P.C. against the acquittal of the opposite parties.

2. Brief facts of the case are that a complaint was filed against the opposite parties under Sections 147, 148 and 307 I.P.C. On the basis of the complaint, the opposite parties were summoned to face the trial. The evidence was recorded before the trial court and the trial Judge ultimately came to the conclusion that the guilt of the accused persons was not established beyond reasonable doubt. The trial court accordingly acquitted the opposite parties vide judgment and order dated 06.07.1994.

3. Feeling aggrieved by the aforesaid judgment and order, the appeal was preferred by the State before the Allahabad High Court which has been transferred to this Court after creation of new State, for disposal.

4. Heard Sri Nandan Arya, learned A.G.A. for the State, Sri K.S. Verma, learned counsel for the opposite parties and perused the record.

5. The judgment passed by the trial Judge reveals that the evidence adduced before the court was properly assessed and after the careful assessment of evidence on record, the trial Judge came to the conclusion that the complainant has not been able to establish the guilt of the opposite parties and accordingly acquitted them of the charges levelled against them.

6. The judgment of the acquittal is based on cogent and valid reasons in disbelieving the evidence of the witnesses and also in doubting the correctness of the prosecution case. The finding recorded by the trial Judge is neither perverse nor unreasonable, hence, the finding of the acquittal does not require any interference.

7. The application for special leave to file the appeal lacks merit and is liable to be rejected.

8. Accordingly, the application for granting the special leave to appeal is rejected. Consequently, the appeal is also dismissed.

(B.C. Kandpal, J.)

21.07.2006
ASWAL